UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ANTHONY NEPUTE,
individually, and as
Owner of Quickwork LLC; and

QUICKWORK LLC,
a limited liability company,
also d/b/a WELLNESS WARRIOR,

Defendants.

Case No.: 4:21-cv-00437

THE UNITED STATES' MOTION TO EXCLUDE DEFENDANTS' EXPERTS

Pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharm.*, 509 U.S. 579 (1993), and in accordance with Paragraph I.5 of the Third Amended Case Management Order, ECF No. 77, Plaintiff United States of America moves this Court for an order limiting the expert opinions of Dr. Christina Parks, Defendant Eric Nepute, and Dr. Michael Holick. Specifically, the United States respectfully requests that the Court preclude Dr. Christina Parks from testifying in full, preclude Defendant Eric Nepute from offering expert testimony in full, and preclude Dr. Michael Holick from testifying regarding his interpretation of Defendant Nepute's marketing claims, for the reasons set forth in the accompanying memorandum of law. In support of its motion, the United States submits the accompanying memorandum of law, and the following exhibits:

Exhibit No.	Document
1	Expert Report of Dr. Erik Dubberke
2	Excerpts from Transcript of Deposition of Dr. Christina Parks
3	Expert Report of Dr. Christina Parks
4	Expert Report of Dr. Michael Holick

5	Defendants' Supplemental Witness Disclosure of Eric Nepute Pursuant To Rule 26(a)(2)(C)
6	Resume of Dr. Christina Parks
7	Excerpts from Transcript of Deposition of Eric Nepute
8	Excerpts from Transcript of Deposition of Dr. Michael Holick
9	Excerpts from National Research Council 2011. *Reference Manual on Scientific Evidence: Third Edition*. Washington, DC: The National Academies Press. https://doi.org/10.17226/13163
10	Food & Drug Admin., Guidance for Industry: Evidence-Based Review System for the Scientific Evaluation of Health Claims, Docket No. FDA-2007-D-0371 (Jan. 2009), available at https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-evidence-based-review-system-scientific-evaluation-health-claims
11	Thomas *et al.*, Effect of High-Dose Zinc and Ascorbic Acid Supplementation vs Usual Care on Symptom Length and Reduction Among Ambulatory Patients With SARS-CoV-2 Infection: The COVID A to Z Randomized Clinical Trial, JAMA Network Open, 2021;4(2):e210369 doi:10.1001/jamanetworkopen.2021.0369
12	Abd-Elsalam *et al.*, Do Zinc Supplements Enhance the Clinical Efficacy of Hydroxychloroquine?: a Randomized, Multicenter Trial, Biological Trace Element Research (2021) 199:3642–3646, https://doi.org/10.1007/s12011-020-02512-1

Accordingly, the United States respectfully requests that the Court grant its motion, and enter an order precluding Dr. Parks from testifying in full, precluding Defendant Nepute from offering expert testimony in full, and precluding Dr. Holick from testifying regarding his interpretation of Defendant Nepute's marketing claims.

Dated: September 2, 2022

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

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